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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,889	07/26/2000	Ted Chongpi Lee	LEE 4	8036

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EXAMINER

SOBUTKA, PHILIP

ART UNIT PAPER NUMBER

2684

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/625,889

Applicant(s)

LEE, TED CHONGPI

Examiner

Philip J. Sobutka

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2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 1,5,9,11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lauer et al. (U.S. Patent No. 6,1 18,936).

Regarding claim 1, Lauer discloses a method for managing adjunct access for a circuit in a network management system. The method comprises providing a manageable link (a linkset) representing each non-managed portion of the circuit (non-IEC nodes), responsive to a determination that a non-managed portion of the circuit exists (See Figures 8b, 8c and 8e; col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29).

Regarding claim 5, Lauer discloses a method for designing a continuous circuit. The method comprises determining a non-managed portion (non-IEC node) of a circuit exists, and providing a link (linkset) between each non-managed portion of the circuit and a proximate managed portions (IEC nodes) of the circuit. The link may be characterized as a managed carrier link by a network management system (SNMS). See Figures 8b, 8c and 8e; col. 4, lines 33-48., col. 13, line 55 through col. 14, line 9., and col. 14, lines 18-29.

Regarding claim 9, Lauer discloses a method comprising assigning links (linksets) bridging non-managed portions (non-IEC nodes) of a circuit path. It is inherent that the circuit path is created after a request to provision a circuit is received, and the circuit path is selected within a network comprising a plurality of network elements (IEC and non-IEC nodes). The assigned links may be characterized as managed carrier links

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(See Figures 8b, 8c and 8e; col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29).

Regarding claim 11, Lauer discloses all of the limitations of claim 9, and also discloses that the non-managed portions of the network comprise adjunct access facilities (LATA facilities) (See col. 14, lines 18-29).

Regarding claim 12, Lauer discloses an apparatus (SNMS servers 302/304/306/308) for designing a continuous circuit inherently comprising a processor and an associated storage device including instructions for controlling the processor (See col 4, lines 33-48). The instructions cause the processor to determine whether a non-managed portion (non-IEC node) of a circuit exists, and to provide a link (a linkset) between non-managed portions of the circuit and proximate managed portions (IEC nodes) of the circuit. The link may be characterized as a managed carrier link by a network management system (SNMS 300) (See Figures 8b, 8c and 8e; col. 13, line 55 through col. 14, line 9; and col 14, lines 18-29).

Claim Rejections - 35 USC § 103

2. Claims 2-4, 6-8, 10 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauer et al. in view of Dodd (Annabel Z. Dodd, 'The Essential Guide to Telecommunications,' 1998, pp. 144-145.).

Regarding claims 2, 6, 10 and 13, Lauer discloses all of the limitations of claims 1, 5, 9 and 12, but does not disclose that each manageable link is coupled to at least one of a Digital Cross Connect, a Light Wave Guided Cross Connect, and a Distribution Drop Point. However, Dodd teaches that it is well known in the art to use a Digital Cross

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Connect in a communications network to couple multiple end users to a single T-1 circuit, thereby allowing efficient use of circuit resources (Annabel Z. Dodd, 'The Essential Guide to Telecommunications,' 1998, pp. 144-145.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lauer as taught by Dodd, such that each manageable link is coupled to a Digital Cross Connect, in order to efficiently use circuit resources.

Regarding claims 3, 7 and 14, Lauer in view of Dodd teaches all of the limitations of claims 2, 6 and 13, and Lauer also discloses that each manageable link comprises a fiber optic cable (See col 2, lines 55-57).

Regarding claims 4, 8 and 15, Lauer in view of Dodd teaches all of the limitations of claims 2, 6 and 13, and Lauer also discloses that the links comprise a digital carrier (See col. 8, lines 45-61).

Response to Arguments

3. Applicant's arguments filed 26 July 2004 have been fully considered but they are not persuasive.

It should first be noted that by definition a manageable link, cannot be a non-managed link. Quoting from claim 1, what is being claimed is a manageable link "representing each non-managed portion of the circuit" (emphasis added). To quote from the instant specification on page 7 "The invention operates to characterize the non-managed portion as a manageable network element..." (emphasis added). Therefore the instant invention does not *replace* the non-managed portions, it merely

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represents them. Thus the instant claims cannot distinguish over Lauer's representation of the non-managed links as described in the previous response to arguments and repeated below.

Regarding claims 1, 5, 9, and 12, Applicant states, "As clearly evident from at least the portions of Lauer cited above, there is absolutely no teaching, suggestion or disclosure in Lauer for 'providing a respective manageable link ...". Note in addition to the cited sections, Lauer's intended invention is to provide the capability to collect network topology, traffic, performance and fault information (column 3, lines 31 –40) and further of receiving data from foreign networks (column 10, lines 15 –35; further note here that such networks can be LEC or international carriers, potentially adjunct or a part of the network not necessarily apart of the originally defined network). Further note that manageable, as defined by Merriam-Webster's 10th Edition, describes something that is capable of being managed (managed defined as to handle or direct with a degree of skill: as to make and keep compliant). Note that Lauer, in the above sections, performs these functions, for example since network topology, traffic, and other network performance and compliance criteria are observed (again for example, column 10, lines 15 –18 where alarm data are monitored). Note further that as traffic is flowing a completed circuit is inherent (column 2, lines 35–56). Hence, Examiner is not persuaded by Applicant's arguments that the reference does not teach or recite the claimed as broadly interpreted.

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Conclusion

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825, after March 2005 the number will change to (571) 272-7887. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Sobutka
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March 4, 2005


NICK CORSARO
PRIMARY EXAMINER